

Application No.: 09/963,551

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Claims 2 and 8 are independent and stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Anderson '137 ("Anderson") in view of Lindsay et al. '143 ("Lindsay"). This rejection is respectfully traversed for the following reasons.

Claim 2 recites in pertinent part, "wherinc image data corresponding to a series of images which are captured consecutively by the imager includes an image which, once stored on the image memory after being compressed and transferred to the display memory after being expanded, is transferred from the image memory to the storage medium while the image is presented by the display based on the image stored on the display memory." Claim 8 recites a similar feature in method format. According to the present invention, as shown in exemplary form in Figure 1 of Applicants' drawings, transferring *compressed* image data from an image memory to a storage medium, and, the processing for expanding and displaying the data from the image memory, can be performed simultaneously (*see* outgoing arrows from image memory 3 in Figure 1 of Applicants' drawings).

The Examiner appears to rely on Anderson for allegedly disclosing this dependent relationship between storage and display of the image data. However, it is respectfully submitted that the portions of Anderson relied upon by the Examiner are *independent* processes. Specifically, as shown in Figure 7, Anderson discloses a live view generation process and an image file generation process which operate independently of one another so as to be completely unrelated to the present invention. Lindsay does not obviate this deficiency of Anderson as acknowledged by the Examiner (Examiner uses Lindsay for the transfer process rather than the structural arrangement to/from which the image data is sent/retrieved). Indeed, Lindsay is related merely to shearogram images.

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Turning back to Anderson, the Examiner appears to interpret the relied on portions thereof as disclosing a structural configuration which effects a dependency relationship in the processing of the image data in that the processing of data to the display and storage are performed simultaneously. However, it is respectfully submitted that Anderson discloses only a serial processing format in direct opposition to the present invention. That is, in Anderson, during the live view generation process, raw image data is converted to YCC format (i.e., color conversion, NOT compression or expansion; *see col. 8, line 63 – col. 9, line 1*). It is this YCC format which is displayed rather than compressed- then-expanded data. Indeed, compression is thereafter performed *on the YCC data* (in buffers 536) which has already been processed and displayed in the live view generation process 612 (*see col. 9, lines 13-27*). Accordingly, contrary to the Examiner's assertion, Anderson does not disclose or suggest an image which, *once stored on the image memory after being compressed and transferred to the display memory after being expanded, is transferred from the image memory to the storage medium while the image is presented by the display based on the image stored on the display memory.*

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claims 2 and 8 because the proposed combination fails the "all the claim limitations" standard required under § 103.

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Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 2 and 8 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

#### CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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